

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL  
OF GREATER ST. LOUIS AND  
VICINITY, et al.,

Plaintiffs,

vs.

JEFF THERRIEN CONSTRUCTION,  
LLC, d/b/a GITTEMEIER THERRIEN  
CONSTRUCTION, LLC,

Defendant.

Case No. 4:14CV00778 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' motion for default judgment against Defendant Jeff Therrien Construction, LLC, d/b/a Gittemeier Therrien Construction, LLC. (Doc. No. 14.) Plaintiffs filed this action on April 22, 2014, under the Employee Retirement Income Security Act, 29 U.S.C. ' ' 1132, *et seq.* The complaint alleges that Defendant failed to fully pay several employee benefit funds the contributions due under the collective bargaining agreement with Defendant's employees' union. Plaintiffs are the union and the trustees of the various funds.

On October 17, 2014, the Clerk of Court entered an order of default against Defendant. (Doc. No. 16.) Where default has been entered, the "allegations of the complaint, except as to the amount of damages are taken as true." *Brown v. Kenron Aluminum & Glass Corp.*, 477 F.2d 526, 531 (8th Cir. 1973); *see also Jenkins v. E. Asset Mgmt., LLC*, No. 4:08-CV-1032 CAS, 2009 WL 2488029, at \*3 (E.D. Mo. Aug. 12, 2009).


Here, taking Plaintiffs' allegations in the complaint as true, except for those allegations as to the amount of damages, the Court concludes that Plaintiffs are entitled to default judgment against Defendant.

In their memorandum in support of motion for default judgment, Plaintiffs seek judgment against Defendant in the amounts of \$30,452.04 for delinquent fringe benefit contributions, \$5,400.33 in liquidated damages, and \$554.97 in interest. Plaintiffs also seek \$378.00 in attorneys' fees and \$619.38 in court costs for a total judgment of \$37,404.72. With respect to damages, Plaintiffs have provided documentation and evidence supporting its entitlement to the amounts sought.<sup>1</sup>

Upon review of the record,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for default judgment is **GRANTED**. (Doc. No. 14.)

An appropriate Judgment showing Defendant's full liability of \$37,404.72 shall accompany this Memorandum and Order.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 23<sup>rd</sup> day of October, 2014.

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<sup>1</sup> The Court notes that the affidavit submitted by Plaintiffs' counsel in support of the award of attorneys' fees appears to have a typographical error in the amount of hours worked by Christine M. Dothage. The Court has assumed for purposes of calculating the attorneys' fees that Dothage provided 0.2 hours of services in this matter and not 0.02 hours.